

IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
W/S Hinton Avenue, 50 ft. N of	* ZONING COMMISSIONER
Second Avenue	
9130 Hinton Avenue	* OF BALTIMORE COUNTY
15th Election District	
7th Councilmanic District	* Case No. 99-91-A
Anthony A. Decint, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Anthony A. Decint and Diane M. Decint, his wife, for that property known as 9130 Hinton Avenue in the eastern section of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow a detached accessory structure (garage) with a height of 18 ft. in lieu of the maximum permitted 15 ft., in a D.R.5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

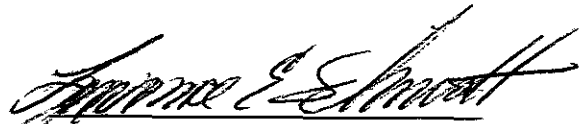
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

OFFICE OF THE ZONING COMMISSIONER
 DATE 10/6/98
 BY M. H. H.

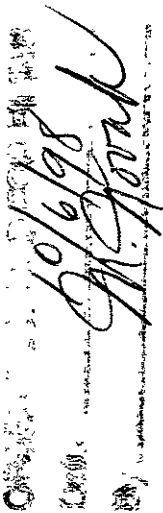
DATE 10/6/98 BY [Signature]

3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, the Department of Environmental Protection and Resource Management (DEPRM), dated Sept. 17, 1998 are adopted in their entirety and made a part of this Order.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm





Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 2, 1998

Mr. and Mrs. Anthony A. Decini
9130 Hinton Avenue
Baltimore, Maryland 21219

RE: Petition for Administrative Variance
Case No. 99-91A
Property: 9130 Hinton Avenue

Dear Mr. and Mrs. Decini:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





CBCA

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9130 HINTON AVE

which is presently zoned DRSS

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3

To allow an accessory structure (detached garage) with a height of 18 ft. in lieu of the maximum permitted 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- House Has Need For Storage
- LACK OF AREA TO PARK
- Small LOT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Address

Phone no

Signature

City

State

Zipcode

Name Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 9-1-98

ESTIMATED POSTING DATE: 9/13

Printed with Soybean Ink
on Recycled Paper

ITEM #: 91

99-91-A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9130 Hinton Avenue
address
Baltimore MD 21219
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Due to the flood plain restrictions we are not able to use our crawl space for storage. Our roof is truss built and, therefore, cannot be used for storage. We are requesting the height variances for our garage/storage building to enable us to have a substantial storage area. Since our lot is small and our garage/storage building is relatively small, we are requesting a variance to gain much needed space.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

X Diane M. Decint
(signature)
X Diane M. Decint
(type or print name)



X Anthony A. Decint
(signature)
X Anthony A. Decint
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of August, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DIANE MARIE DECINT & Anthony August DECINT

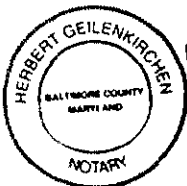
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief

AS WITNESS my hand and Notarial Seal.

8/31/98
date

Herbert Geilenkirchen
NOTARY PUBLIC

My Commission Expires 10-1-2000



Herbert Geilenkirchen, Notary Public
Baltimore County
State of Maryland
My Commission Expires Oct. 1, 2000

A-1P-PP

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9130 Hinton Avenue
address
Baltimore 21219
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Due to the flood plain restrictions we are not able to use our crawl space for storage. Our roof is truss built and, therefore, cannot be used for storage. We are requesting the height variance for our garage/storage building to enable us to have a substantial storage area. Since our lot is small and our garage/storage building is relatively small, we are requesting a variance to gain much needed space.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Diane M. Decint
(signature)
Diane M. Decint
(type or print name)



Anthony A. Decint
(signature)
Anthony A. Decint
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit

I HEREBY CERTIFY, this 31st day of August, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DIANE MARIE DECINT & Anthony August DECINT

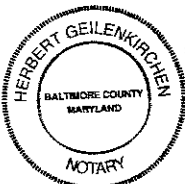
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/31/98
date

Herbert Geilenkirchen
NOTARY PUBLIC

My Commission Expires: 10-1-2000



Herbert Geilenkirchen, Notary Public
Baltimore County
State of Maryland
My Commission Expires Oct. 1, 2000

A-1P-PP



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

9130

Hinton Ave

which is presently zoned

DR S.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 TO allow an accessory structure (detached garage) with a height of 18 ft. in lieu of the maximum permitted 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- House TOO SMALL NOT ENOUGH STORAGE
- Need AREA to PARK
- Small LOT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

Anthony A. Decint

(Type or Print Name)

Anthony A. Decint

Signature

Diane M. Decint

(Type or Print Name)

Diane M. Decint

Signature

9130 Hinton Avenue 410-477-8892

Address

Phone No

Baltimore MD 21219

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Ryan Adams

Name

202 Drovers Way 410-643-0249

Address

Phone No

Stevensville, MD 21666

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ___ day of _____ 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: *SA*

DATE: 9-1-98

ESTIMATED POSTING DATE: 9/13



Printed with Soybean Ink
on Recycled Paper

ITEM #: 91

99.91-A

91

ZONING DESCRIPTION

9130 HINTON AVE.

Beginning at a point on the West side of Hinton Ave. at the distance of 50 ft North of 2nd Ave. Being lot #11 in the Subdivision of Swan Point as recorded in Balto. County Plat Book #8 folio 6 containing 8,950 sq. ft. and located in the 15th Election District.

99-91-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

91
Item No. 856887

DATE 9-1-98 ACCOUNT R-001-6150
AMOUNT \$ 50.00

RECEIVED FROM: For Anthony Decant
FOR: Residential Variance filing fee
(9130 Hinton Ave)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
9/01/1998 9/01/1998 10:10:11
PER 1501 CASHIER CLERK OR
MISCELLANEOUS CASH RECEIPT
Receipt # 064354
OR NO. 056579

50.00 CASH
Baltimore County, Maryland

99-91-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-91-A
Petitioner/Developer:
(Anthony Decint)
Date of Hearing/Closing:
(Sept. 28, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____
9130 Hinton Ave. Baltimore, Maryland 21219 _____

The sign(s) were posted on _____ Sept. 11, 1998 _____
(Month, Day, Year)

Sincerely,

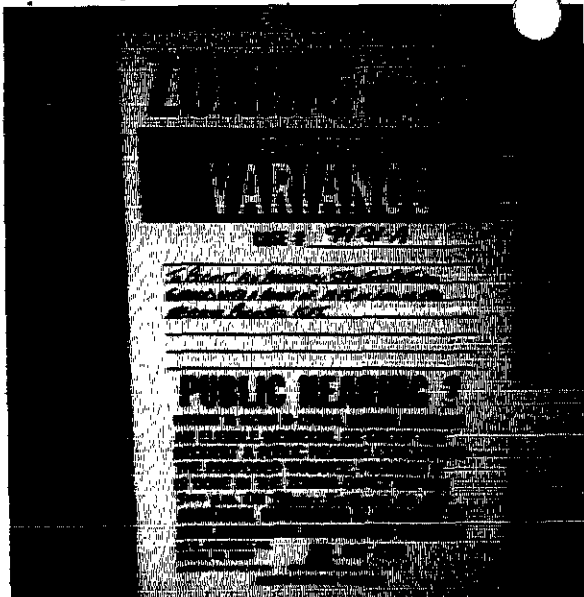

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 91 -AAddress 9130 Hinton Ave.Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9-1-98Posting Date: 9-13-98Closing Date: 9-28-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 99- 91 -AAddress 9130 Hinton Ave.Petitioner's Name Anthony DecintTelephone (410) 477-8892Posting Date: 9-13-98Closing Date: 9-28-98Wording for Sign: To Permit an accessory structure (detached garage) with a height of 18 ft. in lieu of the maximum permitted 15 ft.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-91-A
Petitioner: Anthony Decant
Address or Location: 9130 Hinton Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: JR Adams Bldrs & Remo.
Address: 202 Drovers Way
Stevensville, Md 21666
Telephone Number: (410) 643-0299

Revised 2/20/98 - SCJ

99-91-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 28, 1998

Mr. Ryan Adams
202 Drovers Way
Stevenson, MD 21666

RE: Item No.: 91
Case No.: 99-91-A
Location: 9130 inton Avenue

Dear Mr. Adams:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on September 1, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a circular stamp.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 23, 1998

FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 21, 1998
Item Nos. 091, 092, 093, 095, 096,
097, 098

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Date: 9-11-94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 091 JJS

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

R. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Date: September 17, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/ys*

SUBJECT: Zoning Item #91

Decint Property (Anthony) - 9130 Hinton Ave.

Zoning Advisory Committee Meeting of September 14, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

AV 9/28/98
99-91-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: September 15, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item No. 91

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief: Jeffrey W. Long

AFK/JL

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9130 Hinton Ave

see pages 5 & 6 of the CHECKLIST for additional required information

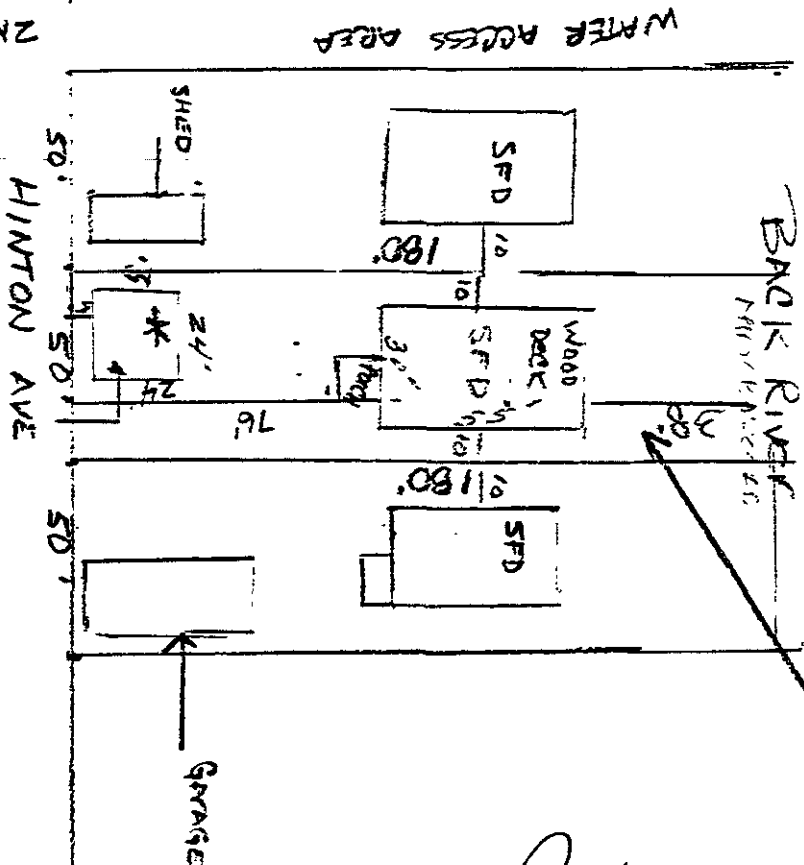
Subdivision name: SWAN POINT

plat book# 8, folio# 6, lot# 11, section# 1

OWNER: ANTHONY & DIANE DEANST

Subject Property
9130 HINTON AVE

Ref No 1

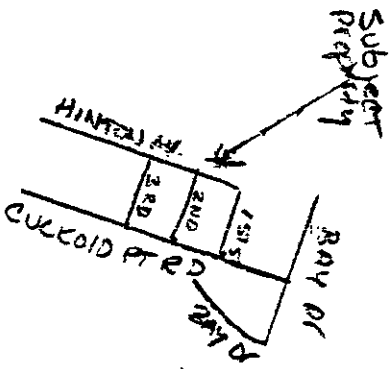


North
date: 8-30-98

prepared by: R. Adams

PROPOSED Same foundation wall (columns) 18' hgt. Hinton Ave. has non-conforming deck, site, etc. per Reg. (Recorded)

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 15th

Councilmanic District: 7th

1"=200' scale map#: SE 6K

Zoning: PR-S-5

Lot size: 0.225 8950 acreage square feet

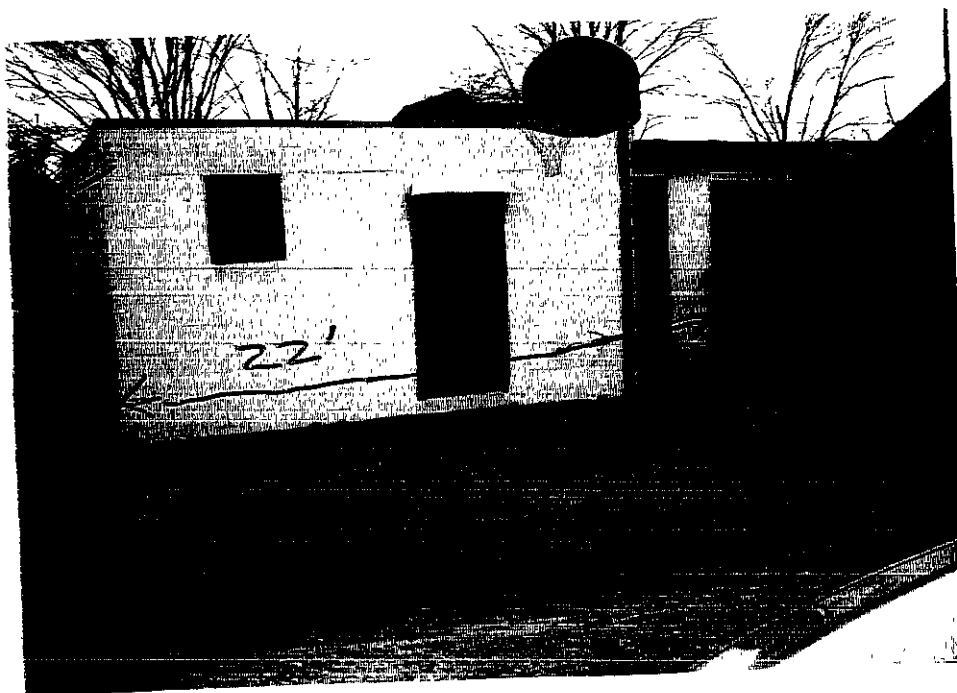
SEWER: ☒ public ☐ private
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☒ ☐
Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

91

99.91-A



99-91-A



99-91-A

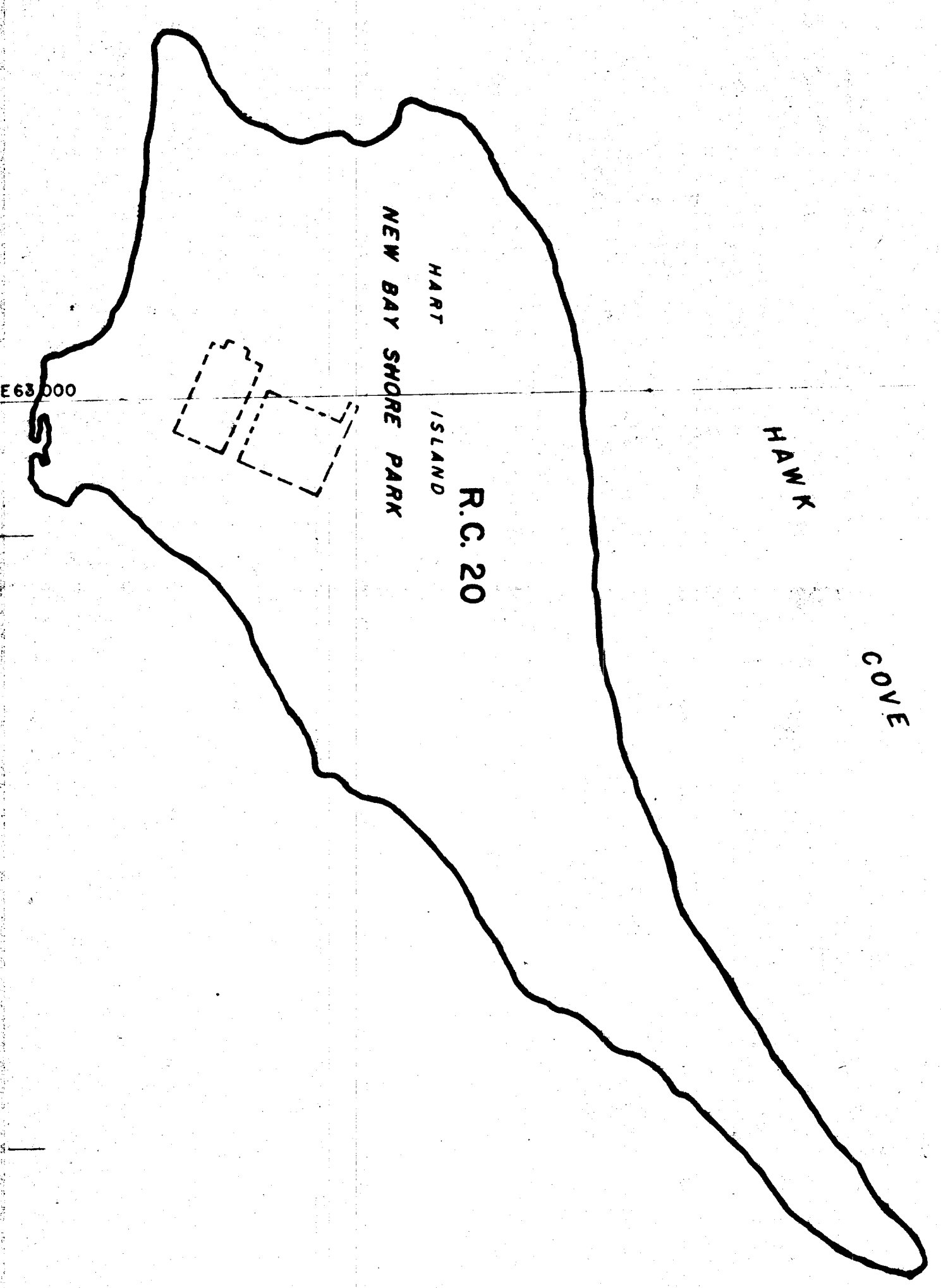
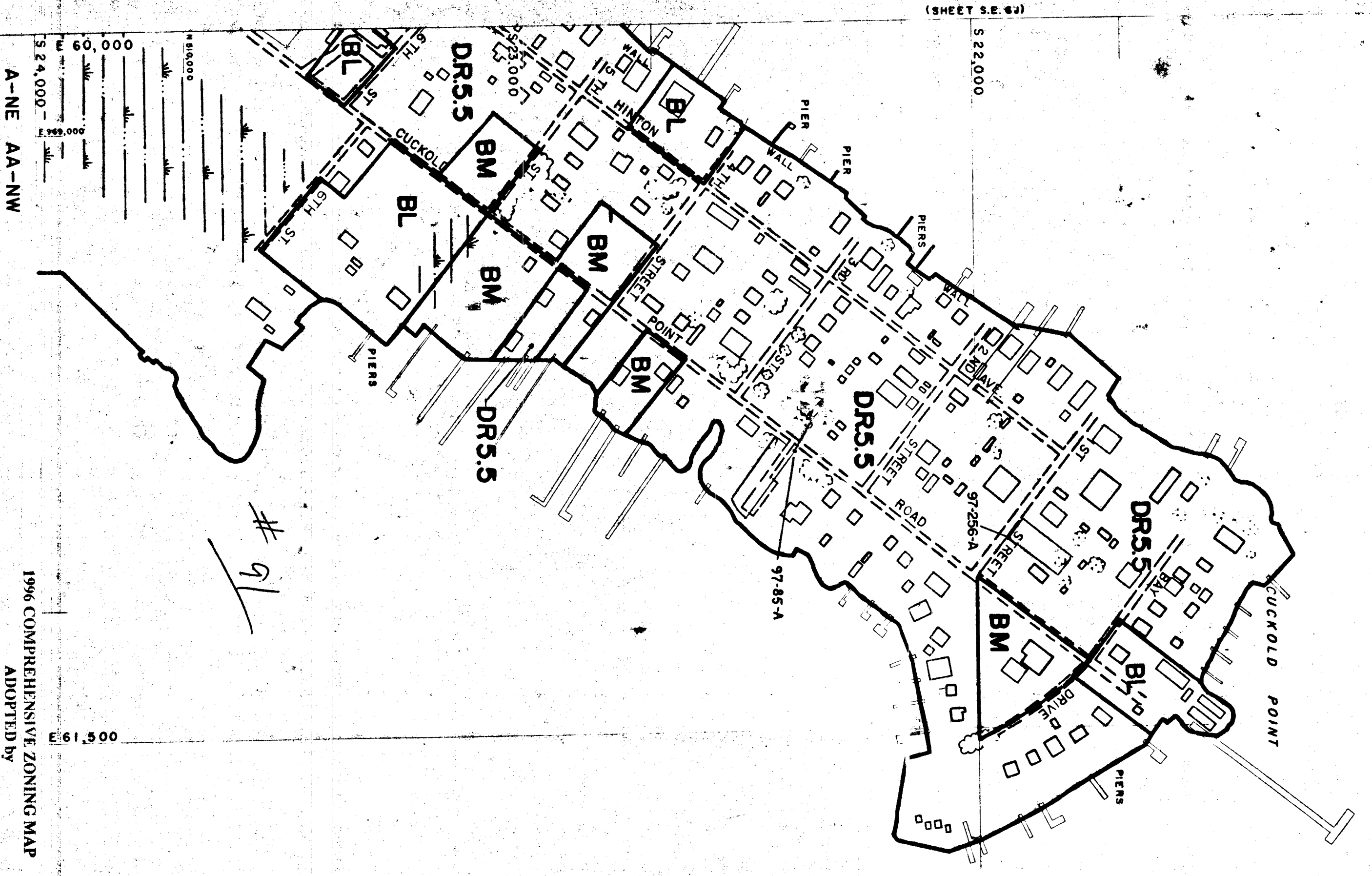
99-91-A

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY THE BALTIMORE COUNTY
BY BUCHANAN, INC. BALTIMORE, MD. 21210

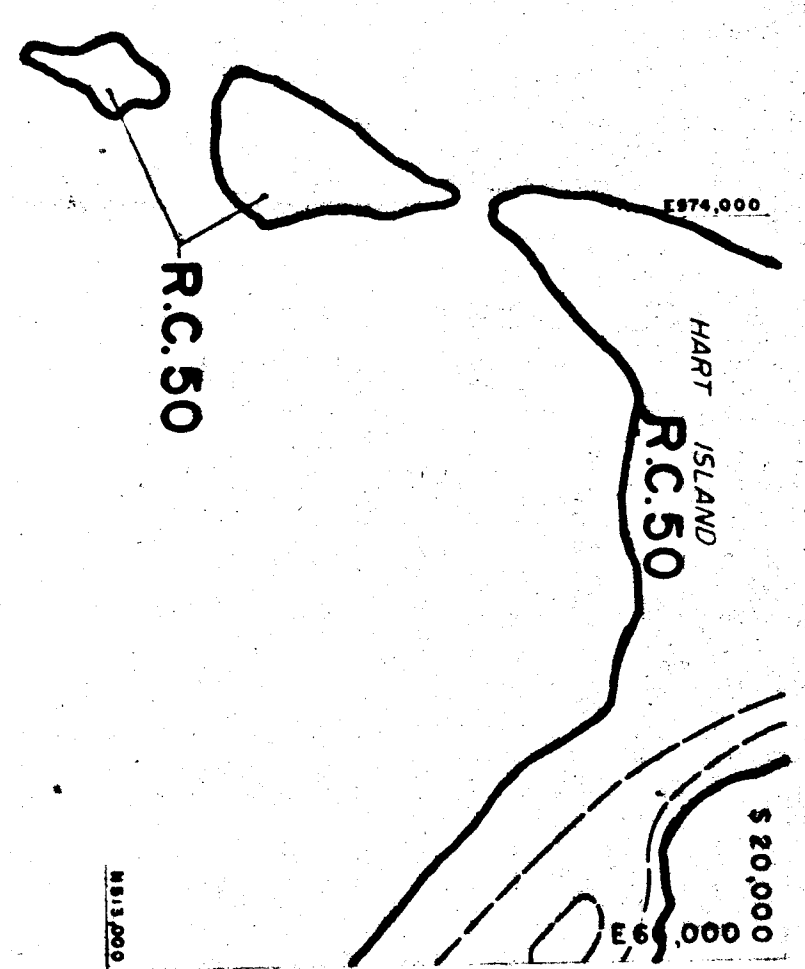
1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kenn Kamenev
Chairman, County Council

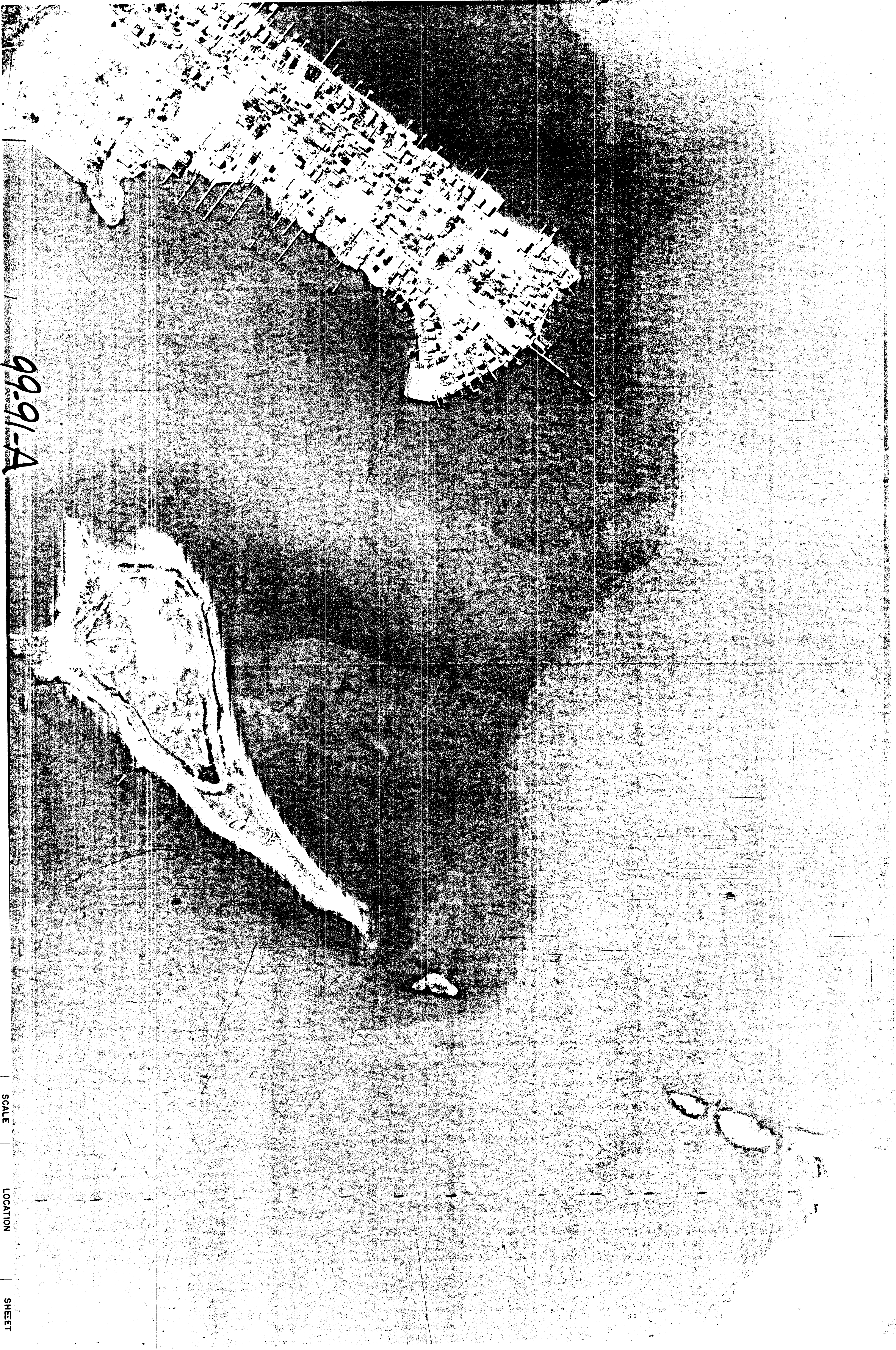
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE		LOCATION	SHEET
1" = 200'	±		
DATE OF PHOTOGRAPHY JANUARY 1986		CUCKOLD POINT NEW BAY SHORE PARK	S.E. 6-K



CHESAPEAKE





99-91-A

91
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±			
DATE OF PHOTOGRAPHY JANUARY 1986	CUCKOLD POINT NEW BAY SHORE PARK		